

Part 3

Procedures for Reporting and Submitting Abandoned or Unclaimed Property

67-4a-301 Report of abandoned property -- Notice.

- (1)
 - (a) A person holding tangible or intangible property that is considered abandoned and subject to the state's custody as abandoned or unclaimed property under this chapter shall:
 - (i) file a report concerning the property with the administrator before November 1 of each year as of the preceding June 30 containing the information required by this section; and
 - (ii) transfer the property identified in the report, including all interest, dividends, increments, and accretions due, payable, or distributable on the property as of November 1 of the year in which the report is required to the administrator as required by Section 67-4a-302.
 - (b) The administrator may postpone the reporting date if he receives a written request to extend the time of the report from any person required to file a report.
- (2)
 - (a) The report shall include:
 - (i) except with respect to traveler's checks and money orders, the name, if known, and last-known address, if any, of each person appearing from the records of the holder to be the owner of property with a value of \$50 or more that is considered abandoned under requirements of this chapter;
 - (ii) for unclaimed funds of \$50 or more held or owing under any insurance policy or annuity contract, the full name and last-known address of the insured policy owner or annuitant and of the beneficiary according to the records of the insurance company holding or owing the funds;
 - (iii) for the contents of a safe deposit box or other safekeeping repository or of other tangible property, a description of the property and any amounts owing to the holder;
 - (iv) the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due;
 - (v) the date the property became payable, demandable, or returnable and the date of the last transaction with the apparent owner with respect to the property;
 - (vi) a verification by the person completing the report that the information contained in it is true and accurate;
 - (vii) all known names and addresses of each previous holder of the property if:
 - (A) the person holding property considered abandoned and subject to custody as unclaimed property is a successor to other persons who previously held the property for the apparent owner; or
 - (B) the holder has changed a name while holding the property; and
 - (viii) other information required by the administrator.
 - (b) When reporting the nature and identifying number, if any, or description of the property and the amount appearing from the records to be due, items of value under \$50 each may be reported in the aggregate.
- (3) Not more than 120 days before filing the report required by this section, the holder in possession of property considered abandoned and subject to the state's custody as unclaimed property under this chapter shall send written notice to the apparent owner at that owner's last-known address informing the owner that the holder is in possession of property subject to this chapter if:

- (a) the holder has in its records an address for the apparent owner which the holder's records do not disclose to be inaccurate; or
- (b) the property has a value of \$50 or more.

Amended by Chapter 18, 2007 General Session

67-4a-302 Payment or delivery of abandoned property.

- (1)
 - (a) Each person holding property considered abandoned and subject to the state's custody as unclaimed property shall pay or deliver to the administrator all of the property shown on the report required by this part.
 - (b) The administrator may:
 - (i) postpone the payment or delivery of the property if requested by the person holding the property; and
 - (ii) impose terms and for payment and delivery upon the person holding the property.
 - (c) If the administrator authorizes postponement of payment or delivery of the property, the property paid or delivered to the administrator shall include all interest, dividends, increments and accretions due, payable, or distributable on the day that the property is paid or delivered to the administrator.
- (2)
 - (a) The holder of stocks and other intangible interests under Section 67-4a-208 shall issue and deliver or transmit to the administrator a duplicate certificate, or other evidence of ownership if the holder does not issue certificates of ownership, including an electronic book entry registered in the name prescribed by the state treasurer.
 - (b) Upon delivery of a duplicate certificate or transmittance of a book entry to the administrator, the holder and any transfer agent, registrar, or other person acting for or on behalf of a holder in executing or delivering the duplicate certificate or other evidence of ownership is relieved of all liability in accordance with Section 67-4a-303 to every person, including any person acquiring the original certificate or the duplicate certificate issued to the administrator, for any losses or damages resulting to any person by the issuance and delivery of the duplicate certificate or other evidence of ownership to the administrator.
- (3)
 - (a) When a certificate or other evidence of ownership, or a bond or other debt security, registered in the name of a person is delivered to the administrator according to the procedures and requirements of this chapter and is presented by the administrator to the issuer or the issuer's agent, the issuer shall:
 - (i) transfer and register it in the name as prescribed by the state treasurer; and
 - (ii) deliver a new certificate or security registered in that name to the administrator.
 - (b) The issuer and its transfer agent, registrar, or other person acting on behalf of the issuer in executing and delivering the certificate or security is relieved from any liability to any person in accordance with Section 67-4a-303 for any loss or damage caused by the transfer, issuance, and delivery of the certificate or security to the administrator.
- (4)
 - (a) A holder, with the written consent of the administrator and upon conditions and terms prescribed by the administrator, may report and deliver property before the property is considered abandoned under this chapter.
 - (b) Property delivered under this Subsection (4) is presumed abandoned.

- (c) The administrator shall advertise and dispose of the property according to the requirements of this chapter.

Amended by Chapter 18, 2007 General Session

67-4a-303 Custody by state -- Holder relieved from liability -- Reimbursement of holder paying claim -- Reclaiming for owner -- Defense of holder -- Payment of safe deposit box or repository charges.

- (1) As used in this section, "good faith" means that:
 - (a) payment or delivery of the property to the administrator was made in a reasonable attempt to comply with this chapter;
 - (b) the person delivering the property:
 - (i) was not a fiduciary in breach of trust in respect to the property at the time of delivery; and
 - (ii) had a reasonable basis for believing that the property was abandoned for the purposes of this chapter, based on the facts known to the person at the time of delivery; and
 - (c) there is no showing that the records under which the delivery was made did not meet reasonable commercial standards of practice in the industry.
- (2)
 - (a) Upon the payment or delivery of property to the administrator, the state assumes custody and responsibility for the safekeeping of the property.
 - (b) A person who pays or delivers property to the administrator in good faith is, to the extent of the value of the property paid or delivered, relieved of all liability for:
 - (i) any existing claim to the property; and
 - (ii) any claim to the property that may arise later.
 - (c) Upon the payment or delivery of property to the administrator, the person who pays or delivers the property is not liable for interest.
- (3)
 - (a)
 - (i) A holder who has paid money to the administrator according to the procedures and requirements of this chapter may:
 - (A) pay any person appearing to the holder to be entitled to payment; and
 - (B) file a request for reimbursement with the administrator that establishes proof of payment and proof that the payee was entitled to payment.
 - (ii) The administrator shall promptly reimburse the holder for the payment without imposing any fee or other charge.
 - (b) If reimbursement is sought for a payment made on a negotiable instrument, including a traveler's check or money order, the administrator shall reimburse the holder for the payment if the administrator has received proof that:
 - (i) the instrument was presented; and
 - (ii) payment was made to a person who appeared to the holder to be entitled to payment.
- (4) A holder who has delivered any property other than money, including a certificate of any interest in a business association, to the administrator according to the procedures and requirements of this chapter may reclaim the property if it is still in the possession of the administrator, without paying any fee or other charge, by filing proof that the owner has claimed the property from the holder.
- (5) The administrator may accept the holder's affidavit as sufficient proof of the facts that entitle the holder to recover money and property under this section.

- (6) If, after a holder has paid or delivered property to the administrator in good faith, another person claims the property from the holder or another state claims the money or property under its laws relating to escheat or abandoned or unclaimed property, the administrator shall, upon written notice of the claim:
 - (a) defend the holder against the claim; and
 - (b) indemnify the holder against any liability on the claim.
- (7) The administrator takes possession of property removed from a safe deposit box or other safekeeping repository subject to:
 - (a) the holder's right to be reimbursed for the actual cost of the opening of the box or repository; and
 - (b) any valid lien or contract in favor of the holder that provides for the holder to be reimbursed for unpaid rent, storage, or any other charges that are reasonable and related.

Enacted by Chapter 198, 1995 General Session